

RECEIVED UNITED STATES DISTRICT COURT

FEB 05 2021

BY MAIL

UNITED STATES OF AMERICA

CASE NO.: 4:17-CR-00198-JAR-4

V.

WALTER D. JUSTINIANO

PETITION AND SUPPLICATION FOR COMPASSIONATE RELEASE  
PURSUANT TO 18 U.S.C. § 3582(c)(1)(A)(i)

Comes now Supplicant, pro se, with the above styled petition, and the highest amounts of humility, hereby requests to be released from incarceration on compassionate grounds. In support of this petition, Supplicant states the following:

- 1) Supplicant is currently serving a 120 month sentence at the Reeves County Detention Center III in Pecos, Texas. Supplicant has completed approximately 31 % of Supplicant's term of sentencing.
- 2) As required by the provisions of 18 U.S.C. 3582(c)(1)(A),

prior to bringing forth this petition, Supplicant had exhausted all administrative rights by requesting the Warden at the Reeves County Detention Center III pursue this petition on Supplicant's behalf. However, a period of 30-days has lapsed since the receipt of Supplicant's request. Hence Supplicant is proceeding directly before the Honorable Court with Supplicant's petition.

3) The unfortunate and dreadful combination of the proliferating COVID-19 pandemic, and the particularized risks associated with the conditions at the Reeves County Detention Center III—Where following the stipulated Centers of Disease Control and Prevention (CDC) guidelines are impractical; Sanitary conditions are less than ideal; medical assistance is limited at best, at worst, healthcare facilities as well as healthcare personnel are generally inadequate; and of the highest significance, there has been an outbreak of the COVID-19 virus—makes the facility a potential fertile ground for the spread of the COVID-19 virus in general; and the monumental risk of Supplicant contracting the virus in particular.

Furthermore, Supplicant's age 41 as well as Supplicant's preexisting health conditions—high blood pressure bordering on hypertension, cardiovascular and respiratory ailments—place Supplicant at an incredibly prodigious risk of succumbing to the COVID-19 virus should Supplicant contract the virus.

4) Supplicant is using this medium to emphasize the

the key fact that Supplicant's conduct—over the period of Supplicant's pretrial and post sentencing detention; as well as through the period of Supplicant's imprisonment—is such that Supplicant has neither been written-up, nor has Supplicant faced any disciplinary action for any transgressions.

To reinforce the stellar nature of Supplicant's conduct, at the time of Supplicant's most recent assessment—Supplicant's Individualized plan/program review—Supplicant was declared by Supplicant's Case manager at the Reeves County Detention Center III to be at a low risk of recidivism. Supplicant further commits that upon Supplicant's release, Supplicant shall be a reasonable, decent, and law abiding member of society.

5) To conclude, Supplicant's current situation—with regards to the discussed particularized existential threat that the COVID-19 virus poses to Supplicant, as well as the above stated particularized and highly precarious conditions at the Reeves County Detention Center III—provide compelling and extraordinary reasons for Supplicant's release on compassionate grounds since these particularized conditions could not have been known in advance by the Honorable Sentencing Court at the time of Supplicant's Sentencing.

Based on the above stated facts, Supplicant humbly pleads that the Honorable Court grant Supplicant's petition. Supplicant further prays for such other relief to which

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Supplicant may be entitled to in either law or equity.

Respectfully Submitted,

Walter D. Justiniano  
Reeves County Detention Center III  
P.O. Box 2038  
Pecos, TX 79772

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that he deposited a copy of the Petition and Supplication for Compassionate Release Pursuant To 18 U.S.C. § 3582(c)(1)(A)(i) in the prison mail box system at the Reeves County Detention Center III on the 2nd day of February, 2021 for onward transmission to:

Office of the Clerk  
United States District Court  
Eastern District of Missouri  
111 South 10<sup>th</sup> Street  
St. Louis  
MO 63102

Walter D. Justiniano # 46700-0384

Reeves County Detention Center III

P.O. Box 2038

Pecos, TX 79772

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TX 79721

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United States District Court  
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St. Louis, MO 63102

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